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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,350	04/27/2001	Edward Aime Harycki	4013-1000	2471

7590 05/05/2005  
Lee, Mann, Smith, McWilliams, Sweeney & Ohlson  
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EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/844,350

Applicant(s)

HARYCKI ET AL.

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Response to Amendment***

1. This is in response to an amendment file on February 1<sup>st</sup>, 2005. In the amendment, claims 1, 2, 4, 8, 9, and 15-18 have been amended, claim 5 has been canceled, and no claim has been added. Claims 1-4 and 6-18 remain pending in the letter.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-4 and 5-18 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 6-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan et al (U.S PG Pub No. 2002/0111890) in view of Melchione et al (U.S. Patent No. 5,966,695)

5. As per claims 1, 8 and 18, Sloan et al teach a method of offering a personalised financial product comprising obtaining data from a user (*see paragraphs 0006, 0047, 0052*) determining profitability characteristics of the user in dependence on the obtained data (*see paragraphs 0064*)

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offering a financial product to the user, the financial product having a plurality of inter-related cost-benefit parameters, the inter-relationship of the parameters being determined in dependence on the profitability characteristics of the user, wherein the parameter settings are changeable by the user, a change to one parameter setting having a corresponding effect on one or more of the other parameter settings determined by the inter-relationship (*see paragraphs 0065, 0068*) receiving acceptance of the financial product from the user (*see paragraph 0068*) and, creating a financial product for the user, the product having characteristics determined in dependence on the parameter settings accepted by the user (*see paragraphs 0076, 0077, 0078*). Sloan et al fail to teach a method of downloading a customer profile offering credit card to the customer.

However, Melchione et al teach a method of downloading a customer profile offering credit card to the customer/user (*see column 4 lines 10-30 and claim 10*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Sloan et al to include Melchione et al's method of downloading a customer profile offering credit card to the customer because this would have provide a more precise pool of qualify customer.

6. As per claims 2, Sloan et al teach a method further comprising accepting updated parameter settings from the user after creation of the financial product and updating the financial product for the user in dependence on the updated parameter settings (*see paragraphs 0062-0064*).

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7. As per claims 3, Sloan et al teach a method in which the data obtained from the user in step (a) include selected ones of: employment data, financial data, personal data, home address, and family data (*see paragraphs 0066, 0075*).

8. As per claims 4, Sloan et al teach a method in which the profitability characteristics determined in include selected ones of: credit check for the user's name, fraud check for the user's home address, background check on the user, projected likelihood of the user defrauding or defaulting a payment against the provider, projected likelihood of the user transferring an existing balance, projected monthly amount the user will spend, the projected likelihood the user's account will go dormant, projected likelihood the user will move to another provider projected usage, projected usage type and estimated timing of a user's lifecycle events (*see paragraphs 0066, 0075*).

9. As per claims 5, Sloan et al teach a method in which the financial product is a selected one of: credit card, loan, mortgage, investment product or insurance product (*see paragraph 0058*).

10. As per claims 6, Sloan et al teach a method in which the inter-relationship of parameters is selected from one of a set of inter-relationship parameters, each set being pre-calculated for users providing data fitting a predetermined range (*see paragraphs 0062-0064*).

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11. As per claims 7, Sloan et al teach a method in which the inter-relationship of parameters is updated for an existing user based on actual data from the user's usage of the financial product (*see paragraph 0058*).

12. As per claims 9 and 16, Sloan et al teach a computer implemented transaction system for the offer and management of financial products, a server is arranged to offer customisable financial products to users, to determine profitability characteristics of the user in dependence on obtained user details and generate a user interface having a plurality of inter-related cost-benefit parameters changeable by the user, the inter-relationship of the parameters being determined in dependence on the profitability characteristics of the user, wherein the parameter settings are changeable by the user, a change to one parameter setting having a corresponding effect on one or more of the other parameter settings determined by the inter-relationship, the server being arranged to receive an acceptance of the financial product from the user, and initiate the creation of a financial product for the user, the product having characteristics determined in dependence on the parameter settings (*see paragraphs 0064*). Sloan et al fail to teach a method of downloading a customer profile offering credit card to the customer. However, Melchione et al teach a method of downloading a customer profile offering credit card to the customer/user (*see column 4 lines 10-30 and claim 10*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Sloan et al to include Melchione et al's method of downloading a customer profile offering credit card to the customer because this would have provide a more precise pool of qualify customer.

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13. As per claims 10, Sloan et al teach a computer implemented transaction system in which the transaction system comprises a World Wide Web site, the server being arranged to host the Web site (*see paragraphs 0037-0041*).

14. As per claims 11, Sloan et al teach a computer implemented transaction system in which the server is connected to a database of parameter permutations, the server being arranged to access the database and determine allowable parameter permutations according to the user's details, the allowable parameter permutations being used to generate the user interface (*see paragraphs 0042, 0069, 0089*).

15. As per claims 12, Sloan et al teach a computer implemented transaction system in which the database stores parameter permutations as coefficients to a predetermined equation, the equation defining the inter-relationship between parameters (*see paragraph 0089, 0123*).

16. As per claims 13, Sloan et al teach a computer implemented transaction system in which the database stores parameter permutations for each of a predetermined set of user details, the server being configured to select the closest predetermined set corresponding to the user's details (*see paragraphs 0065, 0068*).

17. As per claims 14, Sloan et al teach a computer implemented transaction system further comprising a user interface system downloadable onto a user terminal, the user interface system being operative to accept parameter permutations from the server, to generate and display the

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user interface in dependence on the parameter permutations, to accept user inputs changing the parameter settings and to communicate the selected parameter settings to the server (*see paragraphs 0042, 0069, 0089*).

18. As per claims 15, Sloan et al teach a computer implemented transaction system in which the server is arranged to communicate with databases and data services to obtain data for calculating the profitability characteristics of the user, the databases and data services including: credit clearance, background checks, demographic data, business logic, household background databases and probability based systems (*see paragraphs 0066, 0075*).

19. As per claims 17, Sloan et al teach a in which the data structure defines a plurality of inter-relationships, each inter-relationship having been pre-calculated for a range of profitability characteristics of a prospective user (*see paragraphs 0064*).

### *Conclusion*

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after



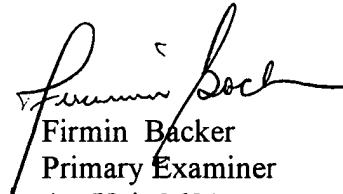
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (571) 272-6703. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Firmin Backer  
Primary Examiner  
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April 29, 2005